

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION

CIVIL NO. 1:19-cv-00149

MARCUS MITCHELL,

Plaintiff,

vs.

MORTON COUNTY SHERIFF KYLE  
KIRCHMEIER, MORTON COUNTY, CITY  
OF BISMARCK, MORTON COUNTY  
SHERIFF'S DEPUTY GEORGE PIEHL,  
BISMARCK POLICE OFFICER TYLER  
WELK, NORTH DAKOTA HIGHWAY  
PATROL SERGEANT BENJAMIN  
KENNELLY, and JOHN DOES 1-2,

Defendants.

**DEFENDANTS' JOINT MOTION FOR  
EXTENSION OF TIME TO ANSWER  
PLAINTIFF'S COMPLAINT AND  
REQUEST FOR EXPEDITED  
DECISION**

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[¶ 1] Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and other applicable law, Defendants Morton County Sheriff Kyle Kirchmeier, Morton County, City of Bismarck, Morton County Sheriff's Deputy George Piehl, Bismarck Police Officer Tyler Welk, and John Does 1-2 (collectively "City and County Defendants"), and Defendant North Dakota Highway Patrol Sergeant Benjamin Kennelly ("State Defendant"), jointly request the Court extend their current April 18, 2022 deadline to answer Plaintiffs' Complaint (doc. 1) to Friday, April 22, 2022.

[¶ 2] Good cause exists for the requested extension of time. A severe blizzard hit North Dakota last week resulting in interruptions to travel and work schedules of the undersigned counsel, as well as of their clients City and County Defendants, spanning from April 12 through April 15. As a result, Defendants require additional time to complete their respective answers to

Plaintiffs' Complaint, which is comprised of 33 pages and 167 paragraphs.

[¶ 3] As the current deadline for Defendants' answer is today, April 18, 2022 (i.e. 14 days following April 4, 2022 issuance of the Mandate from the United States Court of Appeals for the Eighth Circuit) **Defendants request an expedited decision on this motion.**

[¶ 4] For the foregoing reasons, Defendants jointly request the Court extend the deadline for their answers to Plaintiff's Complaint to April 22, 2022.

Dated this 18th day of April, 2022.

BAKKE GRINOLDS WIEDERHOLT

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2022, a true and correct copy of the foregoing **DEFENDANTS' JOINT MOTION FOR EXTENSION OF TIME TO ANSWER PLAINTIFF'S COMPLAINT AND REQUEST FOR EXPEDITED DECISION** was filed electronically with the Clerk of Court through ECF.

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